

REMARKS

Applicants respectfully request entry of the amendments and remarks submitted herein. Claims 10-13 have been amended herein and claims 1, 5-9 and 16-18 have been canceled herein without prejudice to continued prosecution.

Claims 10-13, 19 and 20 are currently pending. Reconsideration of the pending application is respectfully requested.

The 35 U.S.C. §103 Rejections

Claims 1, 5-13, 16, 17, 19 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fazzina et al. (US Patent No. 3,852,501) in view of Suderman (US Patent No. 4,588,600), further in view of Evans et al. (US Patent No. 4,208,442) and in light of Kettlitz (US Patent No. 6,235,894). According to the Examiner, it would have been obvious to one of ordinary skill in the art for the dry mix of Fazzina in view of Suderman to have used n-octenyl succinate as the modified starch, as taught by Evans. This rejection is respectfully traversed with respect to the pending claims.

The claims as amended are directed toward a food composition that includes meat, fish, poultry, seafood, rice, potato, dairy products, fruits and/or vegetables and either a particularly-claimed dry mix or a completed mix, which includes the particularly-claimed dry mix and a liquid. The food composition can be, for example, snacks, pies, pizza-like products, savoury filled products, and sweet bakery products. The particularly-claimed dry mix includes specific amounts of fat, carbohydrates, proteins and emulsifiers, and has a good freeze-thaw stability, good baking stability and good viscosity stability in acid, alkaline and neutral conditions, making it useful in a variety of food compositions.

Fazzina discloses a dry mix to be used in frying food products, and is intended to provide a crisp coating on the subsequently fried food product. Evans discloses a dry mix that is for coating a fowl, which then can be baked. In addition, Suderman discloses a dry mix that is combined with water or oil and intended for baking. On the other hand, the particularly-claimed dry mix or the completed mix that includes the particularly-claimed dry mix can be used in

products that are baked or fried, that may be further frozen after baking or frying, and also that may be heated in a microwave. In other words, the particularly-claimed dry mix is not limited to one particular form of cooking or one particular type of food product.

Contrary to the Examiner's assertion, it would not be obvious, based on Fazzina, Evans and Suderman, to arrive at a dry mix that can be used in a variety of food compositions including, for example, bakery products, pie-type products, and pizza-like products. Also contrary to the Examiner's assertions, it would not be obvious, based on Fazzina, Evans and Suderman, to arrive at a dry mix that can be used with, for example, meat, fish, poultry, seafood, rice, potato, dairy products, fruits and/or vegetables. Thus, the combined teachings of Fazzina, Evans and Suderman do not lead a person skilled in the art to a food composition that includes the particularly-claimed dry mix of the present invention.

Applicants respectfully remind the Examiner that a "patent composed of several elements is not proved obvious merely by demonstrating that each element was, independently, known in the prior art." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398 (2007). Applicants submit that, for the reasons set forth below, the cited references are insufficient to establish a *prima facie* case of obviousness. In view of the amendments and remarks herein, Applicants respectfully request that the rejection of the pending claims under 35 U.S.C. §103(a) be withdrawn.

Claim 18 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Fazzina et al. in view of Suderman and Evans et al. and in further view of Kettlitz et al.

Without acquiescing to the Examiner's rejection, claim 18 has been canceled herein without prejudice to continued prosecution. Therefore, Applicants respectfully submit that the rejection of claim 18 under 35 U.S.C. §103(a) is moot.

### CONCLUSION

Applicants respectfully request allowance of claims 10-13, 19 and 20. In the absence of a Notice of Allowance, Applicants respectfully request that an Advisory Action be sent out within the next month (i.e., before the end of three months from the mailing date of the Office Action), since this Response to Office Action is being filed within two-months of the mailing date of the Office Action. Please apply any charges or credits to Deposit Account 06-1050.

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Respectfully submitted,

/September 14, 2010/

/M. Angela Parsons/

Date: \_\_\_\_\_

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